



U.S. Department of Justice

*United States Attorney
Eastern District of Missouri*

Howard J. Marcus
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August 1, 2007

Mr. Burton Shostak
Attorney at Law
8015 Forsyth
Clayton, Missouri 63105

Re: *United States v. Robert Douglas Hartmann*
4:07CR405 HEA

Dear Mr. Shostak:

I am in receipt of your correspondence dated July 30, 2007. As noted, you may have free access to all relevant materials within the purview of Rule 16, Federal Rule of Criminal Procedures. As previously noted, contact Financial Analyst Denise Thompson to set up a mutually convenient time.

You have made a series of specific requests and I will so respond.

A. You have and will be provided with any reports reflecting any statements made of your client to law enforcement officials.

B. You will be provided with a copy of your client's report.

C. As noted you will have free access to all of these items.

D. The Government is not aware of any mental, physical or scientific examinations.

E. Should the Government use an expert, it will make a timely disclosure pursuant to Rule 16 and the Federal Rules of Evidence.

F. The Government agrees to furnish any and all favorable evidence to the defendant if and when its existence becomes known to the Government. At the present time, the Government does not have any favorable evidence but is aware of its continuing duty to provide any favorable evidence should it become aware of any.

G. The Government will provide co-conspirator statements, if any, if it constitutes Jencks material.

H. The government is not aware of any informants in this matter.

I. The Government will comply with the requirements of Jencks.

J. The Government agrees to advise the defendant of its intention to use evidence of other crimes. This disclosure will be made prior to trial.

K. The Government will comply with Rule 16.

You have requested early Jencks as well as production of grand jury transcripts. All Jencks material will be available by Friday afternoon, prior to a bonafide trial date. I will provide grand jury transcripts at that time if there constitutes Jencks.

In light of your request and pursuant to Rule 16(b)(1)(A), (B) and (C), Federal Rules of Criminal Procedure, the United States hereby requests that:

A. The defendant provide the United States, or permit the United States to inspect and copy or photograph books, papers, documents, photographs, tangible objects, or copies thereof, which are within the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial.

B. The defendant provide the United States, or permit the United States to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony.

C. The defendant provide the United States a written summary of the testimony that the defendant intends to use under Rules 702, 703, or 705, Federal Rules of Evidence, as evidence in trial, which includes a description of the witnesses' opinions, the bases, and reasons for this opinions, and the witnesses' qualifications.

Further, pursuant to the provisions of Rule 26.2 the Government further requests the defendant and his attorney to provide to the Government any statement of defense witnesses that is in their possession and that relates to the subject mater concerning which the witness has testified.

The Government requests a response prior to the hearing date on the motions to establish whether it need to file its request of a court order to enforce compliance.

Very truly yours,

CATHERINE L. HANAWAY
United States Attorney

s/Howard J. Marcus
HOWARD J. MARCUS, 16980
Assistant United States Attorney